#429

BILL NO. Z-90-05-15

ZONING MAP ORDINANCE NO. Z-Ltah

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. S-10

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-2 (Two Family Residential) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lots Numbered 18, 19, 20 and 21 in Curdes Homewood Acres Addition.

and the symbols of the City of Fort Wayne Zoning Map No. S-10, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock ____ M.,E.S.T.

DATED: 5-22-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Long, seconded by Talarico, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES		7		2
BRADBURY				✓
BURNS		✓		
EDMONDS		✓		
GiaQUINTA				✓
HENRY		✓		
LONG		✓		
REDD		✓		
SCHMIDT		✓		
TALARICO		✓		

DATED: 6-26-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO._____ on the _____ day of _____, 19_____

ATTEST: (SEAL)

_____
SANDRA E. KENNEDY, CITY CLERK

_____
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19___, at the hour of _____ o'clock _____.M.,E.S.T.

_____
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19_____, at the hour of _____ o'clock _____ M.,E.S.T.

_____
PAUL HELMKE, MAYOR

PRESCRIBED BY STATE BOARD OF ACCOUNTS

A.H. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

№ 7298

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 4/17 1990

RECEIVED FROM William Swift $100.00

THE SUM OF One Hundred Dollars & 00/100 DOLLARS

ON ACCOUNT OF 411 & 412 N. Inwood

Amdt to Zoning Ord.

$50.00 #6292

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

I/We Paul G. Gabet, et al
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from ~~an~~/an R-1 District to ~~an~~/an R-2(P) District the property described as follows:

Lots Numbered 18, 19, 20 and 21 in Curdes Homewood Acres

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

411 and 412 N. Inwood and all real estate fronting Inwood Drive to the south thereof.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
Wesley B Carter	325 Inwood Drive	Wesley B Carter
Ellen M. Carter	427 W. Branning Ave.	Ellen M. Carter
JOHN LAIBF (continued on reverse)	402 Inwood	John Laibf

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinanc being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whic it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matt for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip Code)	(Telephone Number)
William D. Swift	590 Lincoln Tower Fort Wayne, IN 46802	423-4422

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearin approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

(Name)	(Address)	(Signature)
Annette M. Gabet	8512 Parent Rd NW	Annette M. Gabet
Paul G. Gabet	7003 Lincoln Hwy E	Ft. Wayne Paul G. Gabet
DAVID E. Junk	1314 E. Wallen Rd Ft W	David E. Junk
Howard Tatro	412 N. Inwood Dr.	Howard Tatro
Grace Tatro	412 N. Inwood Dr	Grace M Tatro
Riverview, Inc. d/b/a Lakeside Golf Course	746 Calhoun Blvd N.	Robert Beard

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

	OWNER	LEGAL	HOUSE NUMBER
1	Arthur W. and Marilyn Dauss	North 130' Lot 21	411 N Inn
2	Mark A. and Becky Keen	North 90' Lot 20 and South 35' Lot 21	405
3	Curtis G. and June Lorenzen	South 90.9' of North 180.9' Lot 20	112
4	Estate Paul G. Gabet (Carter)	~~(See 6)~~ S 145 N 325.9	
5	Curtis G. and June Lorenzen	South 165' of North 490.9' Lot 20	
6	Estate Paul G. Gabet	Lot 20 except S 165' of N 490.9' and except N 180.9'	
7	Howard C. and Grace M. Tatro	Lot 18	412 N Inn
8	Annette Gabet	N 96.5' Lot 19	406
9	John E. Laibe, Jr.	S 96.5' of N 193' Lot 19	402
10	David Junk	S 192.5' of N 385.5' Lot 19	
11	Danny L. and Frances M. Wirges	N 138' S 1/2 Lot 19	906
12	Riverview, Inc. c/o Lakeside Golf Course	S 1/2 Lot 19 EX North 138'	

465/5

(2) (3) (3) Sheet 1 of 2

CERTIFICATE OF SURVEY NUMBER

Office of **A. K. HOFER** AND **CARL A. HOFER**
CIVIL ENGINEERS — FORT WAYNE, INDIANA

Registered in Indiana
No. 72
No. 7122

This document is the record of a resurvey of land and real estate situated in the ~~City of Fort Wayne~~, Allen County, Indiana, made in accordance with the plat and deed record thereof on file in the Office of Recorder of said County and State. The land below described exists in full dimension as herein noted in feet, and is free from encroachments by adjoining landowners, and furthermore, contains entirely within its boundaries the structures of the buildings on it situated; all as below indicated in detail. Any exceptions or discrepancies are below noted.

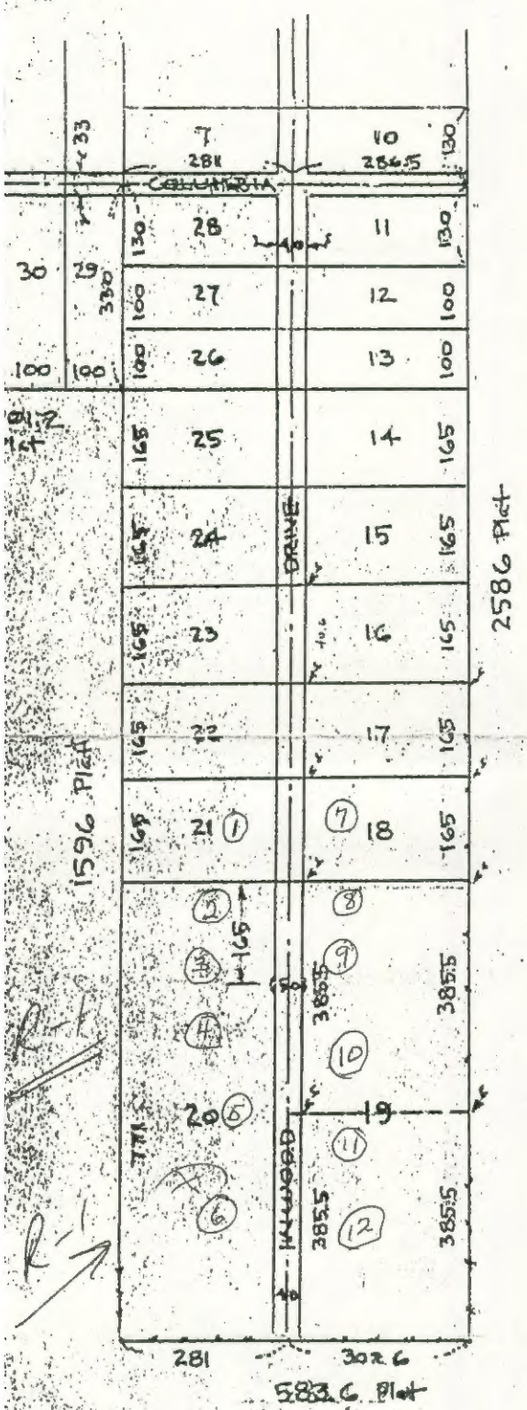
DESCRIPTION OF PROPERTY ~~XXXXX~~ North Half of Lot 19 CURDES HOMEWOOD ACRES ADDITION.

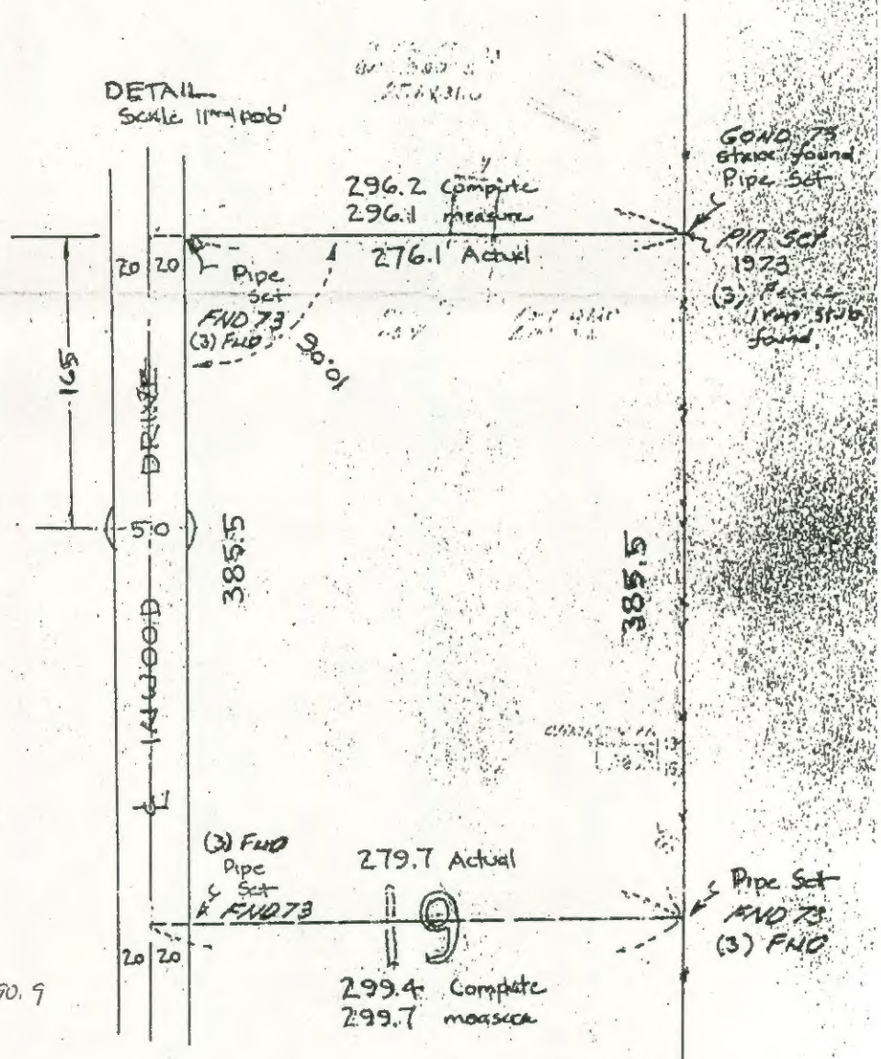
Scale 200'

Plat Book 8
page 46

(3) CORNERS REMARKED, ELEVATIONS AND BASE FLOOD ELEVATIONS ADDED ON SHEET NO 2, AND RECERTIFIED AS OF 21 JUNE 1988

Carl A Hofer
HOFER AND DAVIS, INC.





ex S 165' & N. 490.9
ex N 180.9 ft.
.835/100 ft
Folks ours
Colvin 145 ft N & Rowsey
281 ft S
426

(2) RECERTIFIED AS OF 1 AUGUST 1973
Carl A Hofer

II 30-13-6A

IN WITNESS WHEREOF, I place my hand and seal, this 9 day of April, 19 60.

Carl A. Hofer

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 22, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-90-05-15; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 21, 1990.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 4, 1990.

Certified and signed this
6th day of June 1990.

Robert Hutner
Secretary

#489

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 411 & 412 N Inwood Drive

Z-90-05-15

EFFECT OF PASSAGE Property is presently zoned R-1 - Single Family Residential. Property will become R-2 - Two Family Residential.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

FACT SHEET

Z-90-05-15
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Zoning Ordinance Amendment From R-1 to R-2

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address
411 & 412 No Inwood Dr

Reason for Project
Residential duplex development.

Discussion (Including relationship to other Council actions)

May 21, 1990 - Public Hearing

See Attached Minutes of Meeting

June 4, 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Paul G Gabet City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	☐ For ☒ Against Reason Against -predominate character of area is single family residential
Board or Commission Recommendation	By ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 17 April 1990

Projected Completion or Occupancy Date 6 June 1990

Fact Sheet Prepared by Date 6 June 1990

Patricia Biancaniello

Reviewed by Date 6/7/90

Reference or Case Number

Change of Zone #429
From R-1 to R-2
411 & 412 N Inwood

William Swift, attorney representing the petitioner Paul Gabet, appeared before the Commission. Mr. Swift stated that Mr. Gabet has been working in this particular area for a couple of years. He stated that Mr. Gabet purchased the property on the east side of Inwood Dr and put a lake in and has built two house in that area. He stated that Mr. Gabet is very familiar with the flood elevations that are required. He has enhanced the area considerably with this new construction. He stated that the property on the west side of the road was in the Felger estate and the estate abandoned the property and turned it back to the city for taxes. He stated that Mr. Gabet approached him and asked if there was some way to obtain the property and they approached the attorney for the estate and they reopened the estate and got the property and now are trying to put it to some kind of use. He stated that the property to the south and west is commercial and the property to the north on the west side of Inwood is zoned RA, which allows for multi-family. He stated that the property at the corner of Reed Road and Lake Avenue is presently being developed for multi-family. Mr. Swift stated that the part of the petition that may be distasteful to the staff is the R-2 zoning. He stated that the intent here is to do condominiums, the community interest common ownership type of a project. He stated that Mr. Gabet has in mind to build another lake and surround it with three or four homes that have a common party wall, and sell them as condominiums. He stated in that way each side of the duplex would have a separate owner. He stated that under an R-2 zoning they would be willing to put conditions on the rezoning that state this as their intent. He stated that they are willing to place restrictive covenants on the property and would be willing to have input from the Plan Commission staff as to the landscaping the ingress/egress and the density. He stated that if you look at the Comprehensive Plan and the intent there, he felt it would show that this is an appropriate use for the property. He stated that there have been significant changes in the neighborhood with the development of the K-Mart shopping center to the west and the RA zoning to the north. He stated that the trend today is to go for single family attached housing. He stated that in order to obtain housing for the elderly and "empty nesters" in a price range of 50 to 60 thousand dollars you have to have a little higher density. He stated that even in the Village of Buckingham they have a mixed use - condominiums and single family detached housing. He stated the cost today of single family housing is approximately $40 a square foot. He stated that to be able to build something in a price range of $50,000 you have to keep the land cost down. He stated that the units would be about 1200 square foot on each side.

Mel Smith questioned how many units they were considering.

Paul Gabet stated six units.

Mark Gensic questioned what there intentions were with regard to the drainage problems in the area.

Mr. Swift stated that they have been talking with their engineer Jack Donovan and he has done some preliminary work and they are really waiting for the results of the hearing before investing too much time or money into the problem.

Mark Gensic stated that he is concerned whether or not putting a body of water there associated with existing drainage problems and what the outlet would be.

Mr. Gabet stated that he needs dirt and they are not allowed to bring dirt in outside of the floodfringe area. He stated they will dig the pond and use the dirt to build the area up and the land is all flat and when it does flood it floods 2 inches. He stated that the ponds hold that water and the one they already have is working well for drainage.

David Long questioned if there was any residential construction going on in this area with the exception of the building being done by Mr. Gabet.

Mr. Gabet stated there was not.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

BILL NO. Z-90-05-15

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. S-10

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

~~DO PASS~~	DO NOT PASS	ABSTAIN	NO REC

DATED: 6-26-90

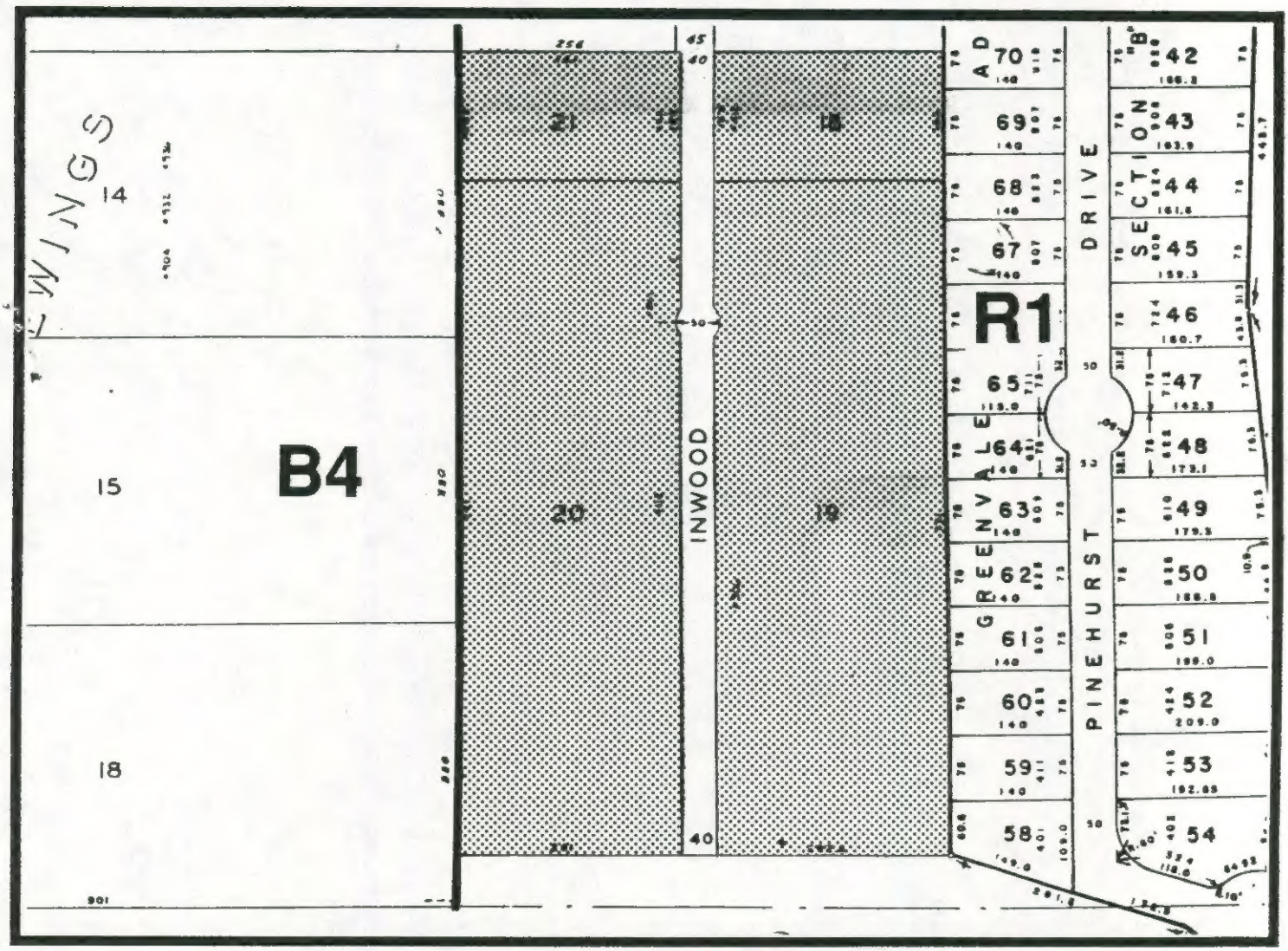
Sandra E. Kennedy
City Clerk

REZONING PETITION #429

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **R1** DISTRICT TO A **R2** DISTRICT.

MAP NO. **S-10**

COUNCILMANIC DISTRICT NO. **2**



ZONING:

R1 RESIDENTIAL DISTRICT

B4 ROADSIDE BUSINESS

LAND USE:

☐ *SINGLE FAMILY*

☐ *COMMERCIAL*

LW

SCALE: 1" = 200'

DATE: 4-26-90

N